

REMARKS/ARGUMENTS

Responsive to the Office Action mailed August 9, 2007:

I. NON-PRIOR ART MATTERS

- A. The Office Action rejected claim 13 under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out an distinctly claim the subject matter which applicant regards as the invention.

An appropriate amendment is enclosed herein.

II. PRIOR ART MATTERS

- A. The Office Action rejected claims 1 and 2 under 35 USC 102(b) as being anticipated by Graffin 2,453,010 (newly cited). Applicant respectfully traverses this rejection.

The Applicant respectfully but strenuously objects to the Examiner's rejection of these previously allowed claims over new art. Claims 1-19 were allowed in the Office Action mailed May 3, 2005. Since that time, there have been three Office Actions in which the Examiner has not rejected claims 1 and 2, which have never been amended. This is certainly not a model of compact prosecution. MPEP §706.04 states the following:

1. 706.04 Rejection of Previously Allowed Claims [R-1]

A claim noted as allowable shall thereafter be rejected only after the proposed rejection has been submitted to the primary examiner for consideration of all the facts and approval of the proposed action.

Great care should be exercised in authorizing such a rejection. See *Ex parte Grier*, 1923 C.D. 27, 309 O.G. 223 (Comm'r Pat. 1923); *Ex parte Hay*, 1909 C.D. 18, 139 O.G. 197 (Comm'r Pat. 1909).

a. PREVIOUS ACTION BY DIFFERENT EXAMINER

Full faith and credit should be given to the search and action of a previous examiner unless there is a clear error in the previous action or knowledge of other prior art. In general, an examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner, or make a new search in the mere hope of finding something. >*Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 126 F. Supp. 2d 69, 139, 57 USPQ2d 1449, 1499-50 (D. Mass. 2001).<

Because it is unusual to reject a previously allowed claim, the examiner should point out in his or her office action that the claim now being rejected was previously allowed by using Form Paragraph 7.50.

b. ¶ 7.50 Claims Previously Allowed, Now Rejected, New Art

The indicated allowability of claim [1] is withdrawn in view of the newly discovered reference(s) to [2].
Rejection(s) based on the newly cited reference(s) follow.

c. Examiner Note

1. In bracket 2, insert the name(s) of the newly discovered reference.
2. Any action including this form paragraph requires the signature of a Primary Examiner. MPEP § 1004.

Applicant recognizes that Examiner Ricci is a primary examiner. However, Applicant questions whether the required "great care" was exercised in this rejection, particularly because the Examiner did not include the required form paragraph 7.50 pointing out that the allowability of previously allowed claims was withdrawn in view of the newly cited reference.

A single prior art reference anticipates a claimed invention only if it discloses each and every claim element.¹ "For a prior art reference to anticipate...every element of the claimed invention must be identically shown in a single reference...These elements must be arranged as in the claim under review."²

Graffin does not disclose that the neck encircling member 5 could be used with an archery bow release. Furthermore, Applicant maintains that the neck encircling member 5 could not be used with an archery bow release as disclosed in Applicant's Specification and drawings, because the presence of the projecting stop member or lug 11 would prevent the neck encircling member 5 from being closed sufficiently to prevent it from falling off an archer's wrist. One of ordinary skill in the art would know that the neck of most dogs is larger than a human being's wrist.

Claim 1 is therefore allowable. Claim 2 contains additional elements and/or limitations beyond allowable claim 1 and is therefore allowable.

B. The Office Action rejected claims 18 and 19 under 35 USC 102(b) as being anticipated by Hanada 6,129,055 (newly cited). Applicant respectfully traverses this rejection.

As to amended claim 18, Hanada does not disclose:

¹ *Structural Rubber Prod. Co. v. Park Rubber Co.*, 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984)

² *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)

said first end having a receiver and said second end being insertable into the receiver and removable from the receiver, and the receiver maintaining the second end in the semi-closed relationship.

In Hanada the male locking unit 50 is insertable into the female locking unit 60, but the female locking unit 60 does not maintain the strip member 12 in the semi-closed relationship with the strip member 11. Rather, the coupling ring 42 performs this function. See Fig. 1 and col. 4 lines 28-34.

However, in amended claim 18 the same element (the receiver 42) couples to the other end (22) and maintains the other end in the semi-closed position. See Fig. 3 and Fig. 4.

C. New claim 28 is allowable over the cited prior art.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Applicant thanks the Examiner for indicating the allowable subject matter.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 02-3732.

Respectfully submitted,

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By [Signature]
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